

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 3:11-cr-22
)	
BONNIE L. CHAPMAN,)	JUDGE KIM R. GIBSON
)	
Defendant.)	

MEMORANDUM ORDER AND TENTATIVE FINDINGS AND RULINGS

NOW, this 6th day of December 2013, the United States Probation Office having conducted a presentence investigation and submitted a Presentence Investigation Report (PSR) and an addendum to the PSR; the United States having filed its position paper as required by Local Criminal Rule 32.C.4; and the Defendant Lonnie Chapman having filed her position paper in accordance with Local Criminal Rule 32.C.4, the Court makes the following tentative findings and rulings:

1. On July 31, 2012, Chapman entered a plea of guilty as to Count One of the Superseding Indictment at Criminal Number 3:2011-22. (ECF Nos. 563, 564). The offense at Count 1 charges Chapman with conspiracy to distribute and possess with the intent to distribute 100 kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, contrary to the provisions of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(vii), and in violation of 21 U.S.C. § 846 and 18 U.S.C. § 2.
2. The United States Probation Office filed a draft PSR on February 11, 2013, and a final PSR on March 5, 2013.

3. On March 12, 2013, the United States filed its position with respect to sentencing factors, indicating that it has no objections to the PSR. (ECF No. 707).
4. On March 14, 2013, Chapman filed her position with respect to sentencing factors, indicating that she has one objection to the guideline calculations set forth in the PSR. (ECF No. 711). Chapman objects to the assessment of one criminal history point for the conviction at PSR ¶ 60. She argues that this prior conviction is void because she was unrepresented in the matter, and there is no evidence showing that she voluntarily waived her Sixth Amendment right to counsel. (*Id.* at 2).
5. On March 28, 2013, the United States Probation Office filed an Addendum to the PSR. (ECF No. 727). The United States Probation Office responded to Chapman's objection, stating that the conviction at issue was not obtained in violation of Chapman's constitutional rights. (*Id.* at 1).
6. Chapman filed two letters of support on December 6, 2013. (ECF Nos. 893, 894).
7. The Court will defer ruling on Chapman's objection until the sentencing hearing. The Court will also consider any arguments as to departures or variances at the time of sentencing. In all other respects, the Court tentatively adopts the final PSR.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

**KIM R. GIBSON
UNITED STATES DISTRICT JUDGE**